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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO. 07-55M
10)
11 Plaintiff,)
12)
13 v.)
14 ANDRZEJ JAN KWASNIAK,)
15)
16 Defendant.)
17)
18)

19 Offense charged: Provisional warrant pursuant to extradition proceedings, pursuant to 18
20 U.S.C. § 3182

21 Date of Detention Hearing: February 12, 2007

22 The Republic of Poland has applied to the United States for the provisional arrest of the
23 defendant pending the submission of a formal request for extradition pursuant to the Extradition
24 Treaty entered into force between the United States and the Republic of Poland. Upon issuance
25 of the provisional warrant, the Republic of Poland has sixty days to provide a formal request for
26 extradition and supporting documents and evidence. The defendant was arrested on February 2,
27 2007 as he crossed the United States/Canadian border at Blaine, Washington. The United States

01 has moved to hold the defendant without bond pending extradition.

02 There is a strong presumption against bail in international extradition cases. *Wright v.*
03 *Henkel*, 190 U.S. 40, 62 (1903). Only “special circumstances” can overcome the presumption.
04 *Martin v. Warden, Atlanta Pen.*, 993 F.2d 824, 827 (11th Cir. 1993). Evidence that the fugitive
05 is not a risk of flight is not considered a special circumstance warranting bail. *United States v.*
06 *Salerno*, 878 F.2d 317, 318 (9th Cir. 1989).

07 The defendant has not shown the existence of any special circumstances that would justify
08 release on bail. Therefore, the government’s motion to hold the defendant without bond pending
09 extradition is GRANTED.

10 It is therefore ORDERED:

11 (1) Defendant shall be detained pending extradition and committed to the custody of
12 the Attorney General for confinement in a correction facility separate, to the extent
13 practicable, from persons awaiting or serving sentences or being held in custody
14 pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the
18 Government, the person in charge of the corrections facility in which defendant is
19 confined shall deliver the defendant to a United States Marshal for the purpose of
20 an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, and to the United States Marshal.

03 DATED this 12th day of February, 2007.

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06 Mary Alice Theiler
07 United States Magistrate Judge
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